

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

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|--|---|-----------------------------------|
| FRANCISCO SARCOS, |) | Case No. 2:21-cv-00196-JDP |
| |) | |
| Plaintiff, |) | STIPULATION TO VOLUNTARY |
| |) | REMAND PURSUANT TO SENTENCE |
| vs. |) | FOUR OF 42 U.S.C. § 405(g) AND TO |
| |) | ENTRY OF JUDGMENT FOR PLAINTIFF; |
| |) | ORDER |
| |) | |
| KILOLO KIJAKAZI, |) | ECF No. 20 |
| Acting Commissioner of Social Security, ¹ |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four.

On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a new decision.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 The parties further request that the Clerk of the Court be directed to enter a final
2 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the
3 Commissioner.

4 Respectfully submitted,

5 Dated: December 13, 2021

6 /s/ Jesse S. Kaplan*
7 (*as authorized via email on December 13, 2021)
8 JESSE S. KAPLAN
Attorney for Plaintiff

9 Dated: December 13, 2021

10 PHILLIP A. TALBERT
Acting United States Attorney
11 PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX
12 Social Security Administration


13 By: /s/ Allison J. Cheung
14 ALLISON J. CHEUNG
Special Assistant U.S. Attorney
15 Attorneys for Defendant
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ORDER

Pursuant to the above stipulation, and for good cause shown, it is ordered that the above-captioned action be remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the stipulation. ECF No. 20. The Clerk of the Court is directed to enter a final judgment in favor of plaintiff, and against defendant, reversing the final decision of the Commissioner.

IT IS SO ORDERED.

Dated: December 13, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE